IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6614 of 2004

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT
and
HON'BLE MR. JUSTICE ANANT S DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHAGWANDAS ASAMDAS SAMNANI(SINDHI) AND ORS.
Versus
THE CHIEF OFFICER, SIDHPUR NAGARPALIKA & ORS.

Appearance:
1. Special Civil Application No. 6614 of 2004
MR NEHUL L DAVE for Petitioner No. 1-4
MR PK JANI for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2

CORAM : HON'BLE DR.JUSTICE J.N.BHATT
and
HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 25/10/2004

ORAL JUDGEMENT

(Per : HON'BLE DR.JUSTICE J.N.BHATT)

During the course of hearing, Mr.P.K.Jani,

learned Advocate for respondent No.1, Sidhpur Nagarpalika, makes a statement at the Bar that, thus far, no notice is issued to the petitioners and necessary legal action is advised to be taken after the issuance of notice and giving an opportunity of hearing to the persons affected like the petitioners and, therefore, at this stage, the present petition is premature.

Mr.N.L.Dave, learned Advocate for the petitioners, states that in view of the aforesaid statement, protection with regard to the maintenance of the status quo, as on today, may be directed to be maintained till the process is over. At this stage, Mr.Jani, learned Advocate for the Nagarpalika, states that status quo shall not be disturbed until the proposed process is over.

In view of the aforesaid statements and observations, we are of the opinion that the petition is premature, at this stage and, therefore, without going into the merits of the petition, the petition is required to be disposed of as being premature at this stage, while observing that the status quo with regard to the disputed cabins-shops shall be maintained not only during the period of the proposed legal process to be undertaken by respondent No.1, Nagarpalika but also for a further period of 15 days if the decision is adverse to the petitioners. The petition, accordingly, shall stand disposed of.

(DR. J. N. BHATT, J.)

(ANANT S. DAVE, J.)

/shamnath